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Wash, St., and State Ave.—N. S. Driggs. Vash. St. and State Ave.—N. S. Driggs. Vash. St., No. 703 East—Baron Bros. Vest St., No. 503 North—C. W. Eichrodt

DIED. ROBERSON-Charles Roberson, sr., at his home near Maywood, Wednesday, Dec. 9, 1896, at 1:30 p. m. Funeral Friday at 10 a. m., Dec. 11, idence. Friends invited.

landes and 9th Sts.-Dixon.

FUNERAL DIRECTORS.

FLANNER & BUCHANAN-172 North Illinois street. Lady embaimer, for ladies and children. Office always Office always open. Telephone 641.

SOCIETY MEETINGS. MASONIC-Pentalpha Lodge, No. 564, F. and A. this (Thursday) evening at 5 o'clock and continuing at 7:30 o'clock, for work in the third degree. Visitors will receive a cordial welcome. GEORGE A. GAY, W. M. WILLIAM H. SMYTHE, Secretary.

WANTED-Men and women out of employment and willing to work can learn of a permanent at good wages by writing at once to P. V. H., Box 283, Augusta, Me. WANTED-Traveling salesmen for cigars. Old, reliable house. Experience unnecessary. Extra inducements to customers. \$75 to \$150 per month and expenses. CHAS. C. BISHOP & CO.,

WANTED-MALE HELP.

WANTED-An idea. Who can think of some simple thing to patent? Protect your ideas; they may bring you wealth. Write JOHN WED-DENBURN & CO., patent attorneys, Washington, D. C., for their \$1,800 prize offer and new list of 1,000 inventions wanted.

WANTED-MISCELLANEOUS. WANTED-Property worth from \$2,000 to \$3,000, East streets. C. W. PHILLIPS, 70 Monument

FINANCIAL. LOANS-Money on mortgages. C. F. SAYLES, 75 East Market street. TO LOAN-A large sum; amounts to suit; com-

mission and expenses lowest. No gold clause. NEWTON TODD, 6 Ingalis Block. MONEY-To loan on Indiana farms. Lowest rates, with partial payments. Address C. N. WILLIAMS & CO., Crawfordsville, Ind. LOANS-Sums of \$500 and over.

C. E. COFFIN & CO., 90 East Market street. MONEY-To loan on Indiana farms. Lowest market rate; privileges for payment before due. We also buy municipal bonds. THOS. C. DAY & CO., Rooms 325-330, third floor Lemcke

ASTROLOGER. STROLOGY-Mrs. Dr. Ellis, astrologer, 190 North Capitol avenue, tells the past and fu-re, gives information on all subjects; what ide. profession or business nature intended you en, where and how to take hold to be sful; when to let go to avoid loss. Parents, children's planets read and learn how o train each (no two have the same talents) hild up to what nature intended for it. Do your duty and give your child a fair chance to fight successfully the great battle of life. Success in ife is sure if you start right. Consult the doctor at once, and make yourself and children a "Christmas present" that will last all your life.

REAL ESTATE. REAL ESTATE-Want pleasant dwelling house some good railroad town in State; also, farm and business house near; will exchange good Indianapolis property, either singly or all to-gether. Address Box 252, Indianapolis postoffice.

CLAIRVOYANT. CLAIRVOYANT-Mrs. T. Griswold, the great ciairveyant and palmist, tells you every hope, fear and ambition of life; everything revealed; gives advice on business, love and marriage. Office and residence, 295 East South street.

PALMISTRY-Juanita, the Gypsy palmist, gives ngs, 25 cents up. Satisfaction guaranteed. West Ohio street.

FOR SALE-REAL ESTATE. FOR SALE-Choice residence property from \$20,000 to \$2,500. C. W. PH LLIPS, 70 Moru-

FOR SALE. FOR SALE-A bargain; will sell hotel fixtures. Call at 78 and 80 West Maryland street, Indian-

STORAGE. ToRAGE-Indianapolis Warehouse Co., 265-273 S. Penn. st., Pennsylvania tracks. Phone 1343.

PERSONAL. RSONAL-Mme. Mason, massage treatment om No. 20, Hendricks block. LEGAL ADVERTISEMENTS.

NOTICE TO CONTRACTORS.

lotice is hereby given that sealed proposals will be received by the County Commissioners of county, Indiana, until 12 o'clock neon, at the courthouse in the city of Brazil, said county and State, on WEDNESDAY, JAN, 20, 1897,

improvement of certain highways in

atl. Jackson and Cass townships, Clay county Indiana, to be known as the F. H. Tapy et al. Free Gravel Road, a total length of fifteen (15) miles and 2,357 feet, by grading and graveling and otherwise improving of same in accordance with rofiles, plans and specifications now on file in ditor's office in said county. Parties submitting proposals for performance of said work will be required to accompany me with bond in double the amount of their old, for the faithful performance of their contract, if awarded, according to the plans, specfications and profiles as aforesaid, and for the payment of all material used in the construction said road, and for all labor and board of la porers employed thereon.

Clank bonds can be procured upon application said board of commissioners reserve the right to reject any and all bids. witness whereof, the said board of comoners aforesaid, have hereunto set their inds and affixed the seal of the Commission Court of said county, at the courthouse, in the eity of Brazil, this 12th day of November, A. D. JOHN D. HUFFMAN. EUGENE CORSAW. ROBERT H. TORBERT.

(Seal.) THOMAS PHILLIPS.

Auditor of Clay County. NOTICE OF LETTING OF PRINTING.

Notice is hereby given that the printing com-mittee of the Grand Lodge I. O. O. F. Indiana ive sealed bids up to 2 o'clock p. m. on the 22d day of December, 1896, at the grand sec-retary's office, in the Grand Lodge building, Inanapolis, Ind., for the printing, stationery, ank books and supplies needed by the Grand Lodge I. O. O. F. Indiana for the year beginning Dec. 22, 1896, and ending 1896, and ending Samples of quality, style and int will be furnished by the grand secretary I. O. Q. F., W. H. Leedy. All blds must be sealed, and the successful bidder must enter Into a written contract for the faithful perormance of the same, secured by a bond. The mittee reserves the right to reject any or all J. B. KENNER.

Chairman Committee on Printing. Lost Children at Police Station. Three small colored children were brought to police headquarters yesterday morning and registered as lost. They were Leo Reader, Neille Reader and Lizzie Bell Reader. The boy was about seven years old and the little girls apparently four and five, respectively. Their father was found to be George Render, of 410 West First street. In the afternoon Mrs. Reader called on Mrs. Buchanan and reclaimed her

A PERPLEXING PROBLEM

PASSENGER OFFICIALS IN DOUBT OVER THE 5,000-MILE BOOK.

Monon Will Pay Its January Interest and Have a Surplus-Big Four Declares Quarterly Dividend.

The proposed five-thousand-mile ticket is much talked about, and the delay from week to week in adopting it generally is taken as evidence that there are some doubts as to the advisability of placing raised a legal question. Will Commissioner Donald not be violating the anti-trust law in issuing mileage good over all of the lines in the Central Passenger Committee territory? The proposed mileage will be in no way under the control of the roads over which the book is good. If, after issuing these mileage books at 2 cents per mile, why could not the commissioner, if he saw fit, raise the rate to 3 cents? The trouble is the scheme confers too much authority upon the commission. One of the strongest objections urged against the adoption of a ticket of this character is the difficulty of properly regulating its sale. On the one hand, it is claimed that weak lines desiring to raise money for a temporary purpose will find it to their advantage to sell large numbers of them at a slightly reduced rate and thereby realize a sum which has to be refunded only as called for in the way of redemption of the tickets as used. Or tickets may be sold by a line while operated under its charter organization, but which by passing into a receiver's hands would fail of redemption when presented. The sufficient answer to this objection is that such tickets should be sold by some central agency, the proceeds being deposited as received and held in trust for redemption purposes. Such action would inure to the benefit of the association, for the interest on unearned balances of such sales could be applied as against the expenses of transacting the

in order to secure the advantages offered The Transmissouri Agreement. The argument in the case of the Transmissouri Railroad Association was continued in the United States Supreme Court yesterday by Mr. James C. Carter, of New York, who appeared for the pool. Mr. Carter contended that railroads as public highways were of the utmost necessity to civil society, and, like all other institutions of similar importance, were entitled to the protection of the government within certain bounds. He contended that the court has no jurisdiction to entertain the present suit in the absence of law; that the language of the anti-trust law was too un-certain and indefinite to justify its maintenance, and that if it were sufficiently specific the law has no application to railroad companies, and that, even if it applied to railroads, the pool is not condemned by any of the provisions of the law. Mr. Carter devoted himself especially to showing that the transmissouri agreement was not unreasonable because of any restraint imposed by it upon interstate commerce. On the contrary, he urged that it was an essentially reasonable agreement both in respect to the object in view and the means by which it is attained. If, he said, the agreement was open to the charge made against it, it was of being an agreement to maintain rates. He admitted that it was intended to restrain competition, but argued that competition was under certain circumstances most ruinous. The only object of the competition is, he said, low prices, but he contended that low prices were not at all times desirable. Indeed, he asserted that the country had for the past three years been filled with the cry that low prices were responsible for all our distress. It was a fact that while low prices were benefit to the consumer, as such they were an injury to the producer. Equality of prices is, said Mr. Carter, what we want,

privation to them than is now the sale

could the public complain. The lower rate

of carriage and the universal character of

the ticket are sufficient recompense for

the advance investment they must make

foster consolidation and monopoly under the direction of the stronger.

and we cannot afford to encourage a com-

petition which does not produce this, nor

one which is carried to such an extent as

to bring ruin to the competitors and thus

Vexatious Gulf Rates. Every day makes it more and more apparent that within the next few months there will be an ugly war over rates from gulf ports to Western points and those from the Atlantic seaboard to similar points. At every meeting of the Western Ereight Association the question is discussed, and it has gone so far that a committee of the Western Association has been appointed to confer with the Southwestern Traffic Association on the subject. The general manager of one of the largest of he Western systems is quoted as saying: Southwestern roads have been falling over themselves to make the lowest possible rates from the West to gulf ports and from the gulf to the West. They have used no discretion whatever, for these low old established rates to and from Louis, Chicago and other Western trade centers. A good example of their foolishness was seen last summer when the grain rates went all to pieces. Already St. Louis entering strong objections to the discrimination as between rates from the East to the South. Its board of trade is making hard fight, but what it asks is unreasonable. Still their contention shows the trend of events toward the rate fight of which speak. Chicago will be in it deeply, too.'

Monon Will Pay Its Interest. There is official authority for stating that the interest on the divisional bonds of the Louisville, New Albany & Chicago will be paid when due, Jan. 1. The interest amounts to \$90,000, and, after paying that sum, there will be fully \$25,000 left in the treasury for like disbursement when interest falls due, or a surplus which can e used as the court directs. Floyd A. Woods, son of Judge Woods, was yesterday appointed local attorney for the L. N., A. & C. Company. He represents the Central Trust Company of New York and the Farmers' Trust and Loan Company in its relations to the Monon

Company financially. Personal, Local and General Notes. The large new semaphore signal plant of the Panhandle at Lockton was put in service on Sunday.

The Vanderbilt lines are paid annually for their fast-mail service between New York and Chicago \$2,007,824. The directors of the C., C., C. & St. L. have declared a quarterly dividend of 11/4 per cent. on the preferred stock. The next annual meeting of the International Association of Car Accountants will be held in New Orleans Feb. 22. Laketon Junction, where the Wabash crosses the Fr'e line, is hereafter to be known by both companies as Newton. J. E. Williams, superintendent of the Wisconsin & Michigan, has resigned, effective Jan. 1, when the office will be abolished. The mileage book of the Toledo & Ohio Central is now good over forty-one roads, eleven transfer and nine steamboat lines. Sir William Van Horne, president of the

Train 6 on the Panhandle the last few days has been hauling eighteen to nineteen cars, and has been run in two sec-

Canadian Pacific, emphatically denies that

he is to sever his connection with that

W. C. Arp, superintendent of motive power of the Vandalia, has given all locomotives in use on the road a new tonnage rating. Baltimore & Ohio Southwestern, which has excellent dining-car service,

for breakfast or supper. The Chicago & Eastern Illinois is arranging to put on a new fast train between Chicago and Nashville similar to the trains run during the world's fair. In his trip to Washington for the inauguration, President-elect McKinley will use car No. 38 of the Panhandle, tendered by General Superintendent Miller.

now charges \$1 for dinner and 75 cents each

Both the Wabash and the Chicago, Burlington & Quincy, the latter via Peoria, have just established new lines of sleeping cars between St. Louis and Des Moines. On Monday the shops of the Misouri,

but six hours, commenced running nine hours, affecting over three thousand em-

The Panhandle has issued notice that no more grain for export via Baltimore can be received until further orders. The blockade at that point, it is said, will be relieved in a few days. The Big Four lines earned in November

\$1,003,863, a decrease as compared with November, 1895, of \$198,778. Since July 1 the lines have earned \$5,468,985, a decrease this year of \$754,086. The new 5,000-mile book of the Pennsylvania lines must have a photograph of the purchaser on the cover to protect the company against its use by other than the

real purchaser. D. Wishart, general passenger agent of the St. Louis & San Francisco, was in the city yesterday on official business. He was accompanied by W. C. Melville, traveling

passenger agent for this territory. J. H. Donnan, general agent of the Railsuch mileage on sale. Its discussion has the Southwest, with headquarters at St. Louis, is in the city for a conference with the higher officials of the association. A telegram says the injuries of General Passenger Agent Chesborough in the accident on the Baltimore & Ohio Southwestern were more serious than at first thought. It is feared he is seriously injured in-

> William D. Vass, the oldest railway treasurer in the United States, died at Raleigh, N. C., on Monday. He was treasurer of the Raleigh & Gaston road for fifty years, and two years its president. He left a very large estate.

The Royal Blue train on the Baltimore & Ohio was last week hauled a mile in forty-five seconds, and several miles consecutively in fifty seconds. The train was hauled by one of the company's new tenwheel passenger locomotives. George M. Burns now has the title of

secretary to Joseph Ramsey, general manager of the Wabash, as well as that of fuel agent of the company, in which position he recently made an excellent record in reducing the fuel expenses of the road. It is announced that the Northern Pacific and Great Northern Railways have made a 325 rate for settlers and members of their families from St. Paul to Pacific coast points. This is equivalent to a reduction of one-half of the present first-class

The Pennsylvania is redeeming the 7-percent. bonds of the Cincinnati & Newport Bridge Company, which were issued when the bridge was built and are not due until 1898. The company is calling them in and issuing in their stead 41/2-per-cent.

association business. No valid objection by N. R. Anderson, of Savannah, and J. | was worth about \$300,000, on which was the could be urged against such a course, at R. Williams, of Richmond, representing incumbrance of a mortgage placed Aug. least by the roads. They certainly are not | Eastern bondholders and attorneys for the | 6, 1881, securing \$300,000 worth of bonds at entitled to the money until they have Georgia & Alabama Railroud. earned it, and it is therefore no more a debid was \$750,000. R. J. Davidson, division superintendent of coupon tickets by connecting lines. Nor

of the Gulf, Colorado & Santa Fe, has resigned, and on Jan. 15 will take the position superintendent of transportation of the St. Louis & Sen Francisco system. But a few years ago Mr. Davidson was a section hand on the former road. The gross earnings of the roads of Iowa

for the fiscal year ending June 30 were \$41,539,834, an increase over the preceding year of \$5,000,000. There are thirty-five oads in the State, operating 8,500 miles. During the year the last narrow-gauge road was converted into a standard-gauge

The Pennsylvania lines are arranging to carry 10,000 people to Washington on the occasion of President-elect McKinley's inauguration; the Baltimore & Ohio expects to handle fully as many people on that occasion, and the Chesapeake & Ohio is already arranging to furnish a large number of sleping cars for the event. The Erie is now the only road east of the

Mississippl river which pays tribute to an

Indian tribe. The road runs through the

reservation of the Cattaraugus Indians, a strip one mile wide and forty feet long, on which 2,000 Indians live at present, and as the tribe is increasing it may be many years before that company will be relieved of this tax. John Vorhees, formerly with the Indianapolis car works, now master car builder of the Central road of Georgia, is in the He states that business with the

Southern lines is good. The roadbeds of these lines are in good physical condition, but the freight equipment is poor. Southern roads greatly need new cars for handling cotton and lumber. J. B. Barnes, superintendent of motive power of the Wabash lines, expects to get his plans for the new locomotives completed so that General Manager Ramsey can award the contract early next month. He recently sent for blue prints of the famous Garstang locomotive, he purposing to introduce some of the features of these

engines in the new ones on the Wabash. The lines of the Joint Traffic Association have approved the recommendation of the Central Passenger Committee regarding rates for the inauguration of Major Mc-Kinley as President of the United States. The rates will be one fare for the round trip. Tickets will be sold on the first four days of March, and the final return limit will be at any time betwen March 5 and 18. In August the shippers of Cleveland entered into an agreement that they would have all freights delivered at the city freight depots by 5 o'clock each day, the agreement having been arranged with the railroad companies to take freight up to

that hour. Of late some of the roads have

been receiving freight later and trouble has arisen over the matter, and some of the strong lines threaten to return to the plan of receiving no freight for shipment after 4 p. m. unless all roads and shippers conform to the 5 o'clock agreement. The Denver Times says: "George W Ristine will probably soon change his title from receiver to president of the Colorado Midland Railroad. To-night Mr. Ristine leaves for New York in response to a call from the bondholders' committee in charge of the reorganization. What was merely a plan prior to the election has become a certainty and a sufficient number of security holders have agreed to the immediate reorganization, making it possible for the committee to act at once." The Times adds that the Midland will probably be placed on an independent basis by April 1 A small dispute has arisen between the Northern Pacific and the Canadian Pacific on the matter of the differentials allowed to the latter. The Canadian Pacific claims the right to ticket passengers through Chicago and over differential lines east of that city and still retain its differential on the business. The Northern Pacific denies that its competitor has this right and says that when the Canadian Pacific uses the differential rates east of Chicago it makes its differential \$7.50, when its regular differential is only \$5. The matter will probably

not be settled until the chairman of the Transcontinental Passenger Association takes a hand in the dispute. Chairman Caldwell, of the Western Passenger Association, has handed down a ruling to the effect that the arbitrators in any controversy between two or more ines shall not have the right to hear arguments from either side, but shall be governed entirely by the evidence given before the local association before which the case was originally heard and from which the appeal has been made. Some time since he made a ruling to the effect that arbitrators might hear arguments covering only the ground on which the appeal had been made from the local association, but in the new ruling he says he is satisfied that his former ruling was an error and revokes it.

Boys' Club Concert.

An entertainment for the benefit of the Boys' Club, a worthy organization, was given last evening at Plymouth Church before a small audience. The programme arranged included a lecture on "A Yankee in Egypt," by Rev. D. J. Ellison, who gave a brief sketch of a trip to the country. He gave a description of the Suez canal and the great traffic which passes through it daily and told of a ship which passed near by where he stood. It held pilgrims returning from Mecca and they not only filled the decks, but hung from the masts and spars. Mr. Ellison told of the street scenes at Port Said, the view of Constantinople, Alexandria and Cairo and concluded with a thrilling experience at the pyramids, where the guides got him into a tight dark place and demanded money. The musical part of the programme included two orchestal numbers with a song by Miss Bremmermann, soprano, and a duet by Miss Cora Daggett, harpist, and Miss Margaret Lockwood, violinist. Miss Lockwood and Miss Daggett played Gounod's "Ave Maria" in a thoroughly artistic man- | the bill it was shown that Verner, McKee, ner, the pure sweet tones of the violin barmonizing with the rich cadences of the harp. Miss Daggett has recently returned from her studies in the East and shows fine training. A recall was demanded and the sweet old ballad "Fair Harvard" was given. Mrs. John Sonntag, formerly of Evansville, who possesses a sweet and well cultivated soprana voice, sang "The Magic Song." by Meyer-Helmund, and was warmly received. Mr. Karl Hoenig sang a number of character songs of the negro melodies which are so popular and they were so well liked, one after the other, that he had to sing four times. He touched a responsive chord with the boys, who filed the front row of seats. A unique exchange to make money with the stocks. paper, "The Waverley," was offered for sale by several tiny newsboys during a brief intermission. More tickets were sold transactions to give the stock a value it and the second and induce investors to buy.

STREET-CAR LITIGATION

A PHASE OF THE CASE CHARGING M'KEE AND VERNER WITH FRAUD.

Judge Baker Sustains a Demurrer Filed by Their Attorneys in Complaint of the Churches.

Yesterday morning, before Judge Baker, in the United States Court, was argued the case of E. Dwight Church and Nellie E. Church, the executors of the estate of James A. Church, deceased, and engaged in business as partners under the name of Church & Co., against the Cititzens' Streetrailroad Company, which is a corporation, and Augustus L. Mason, William L. Elder and William F. Mulholland. Last July the amended bill of complaint was filed and the defendants responded with a demurrer to the bill, and the argument yesterday morning was on this demurrer, which was sustained by Judge Baker, who, however, granted to the plaintiffs the right to file a new amended complaint. Lew Wallace, jr., Edward Daniels and R. O. Hawkins represented the complainants and for the demurrer were W. H. li. Miller and Ferdinand Winter, and the argument was wholly directed to a question of jurisdiction. The court sustained the demurrer to the

amended bill on the ground that the bill was bad and that it failed to make the necessary parties, and that it was multifarious.

The complainants' brief, which sets forth the facts involved in the case and which was newly filed, begins with the formation of the Citizens' Street-railroad Company, on April 23, 1888, with a capital stock of \$1,000,000 and the option to increase it to \$3,000,000. In the articles of incorporation the object of the company was shown to be to own and operate street railways in Indianapolis. As soon as it was incorporated all the street rallways and franchises were acquired by the company by conveyance from the Citizens' Street-railway Company. At that time mules were the motive power The Columbus Southern Railroad was of the company for the operation of its sold at public auction at Columbus, Ga., | cars, and the plant, exclusive of franchises, 6 per cent. In the transfer to the present company the consideration in the transfer amounted to about \$1,000,000 and the assumption of the mortgage. When the new company changed from animal power to electricity another issue of bonds was made, amounting to \$800,000, dated June 1892, and a second mortgage secured them, The company prospered and in the early part of 1892 tangible property amounting to \$900,000 was owned by it, together with franchises amounting to \$1,500,000, and the annual earnings in excess of expenses and interest on its bonded debt amounted to more than \$100,000. The liabilities were \$1,500,000 on stock and \$1,100,000 on bonds, and the credit of the company was good. Not more than \$750,000 was needed to equip the plant with electrical motive power, and beyond receipts there was no corporate need of money, so there was no cause for the creation of long-time or permanent lia-

> It is set forth in the complainants' brief that while the company was in this prosperous condition it reorganized on April 26, 1893, and by unanimous vote of the stockholders the company's stock was increased to \$5,000,000, and another issue of bonds secured by a third mortgage and amounting to \$4,000,000 was authorized. The resolution did not state the object in increasing the stock, but it was specifically stated in the mortgage that the bonds had been authorized by the directors to take up prior issues and provide for the compiete equipment of the plant and its operation. On the faces of the bonds, in large letters, was conspicuously worded: "First consolidated mortgage 6 per cent. bonds. On May 9, 1893, a certificate for 35,000 shares that had been so created was issued to H. Seilers McKee, and the same day he and all other stockholders made a transfer of their shares to the Solicitors' Loan and Trust Company, trustee, to whom was issued a certificate for 50,000 shares, which comprised all the stock owned by the de fendant company. "As a result of this the trust company, as trustee, held all bonds and all the shares under some assignment unknown to complainants, and which they pray to be discovered," runs the com-plaint, which, continuing, says: "Nothing anywhere of record shows any purpose of the radical change so male in the organization except the mortgage." The bill of complaint avers that this declared purpose was a mere pretense, and the stock was increased and the bonds executed in pursuance and furtherance of a conspiracy between the defendant company, Murray Verner, H. Sellers McKee and the trust

OBJECTS OF THE CONSPIRACY The complaint sets forth the objects of this alleged conspiracy as follows: "To return to Verner and McKee the amount of their outlay in the purchase of the stock of the defendant company." It was alleged that they, who were stock brokers in Pittsburg, Pa., had bought all of the original stock at \$2,500,000, which was more than fraudulent purposes, had elected as directors themselves and others whom they had qualified to act by transferring to each a single share of stock, and had thus ac quired and held control of the company. To furnish Verner and McKee with shares ing alleged that the result of the scheme of reorganization was to render such shares worse than worthless, except for speculative and stock-gambling purposes, ch as the company was rendered insolvent by the issue of the bonds, and a liability attached to the stock of which the company received nothing); and to use only some 750 of the bonds, with about half their amount in par-value of stock, for regitimate purposes of the corporation in re-equipping and reconstructing its rail-From the original bill the brief then

quotes, setting forth additional facts alleging that the defendant is insolvent, by claiming that its tangible property is worth less than \$2,000,000, its franchise less than \$1,000,000 and that it can borrow nothing because of wholly destroyed credit. Further, it is claimed that the company's debts amount to \$3,000,000 in the first and second secured mortgage bonds, in convection with a floating debt of \$300,000 and about \$1,500, 000 damages for fraud in disposing of its ultra vires stock. Only 1.944 shares of stock are held by the directors-Verner, McKee, Mason, Elder, Clay, Turner and Dundoreand, with the exception of the last named two, these men have been directors ever since the stock of the company was acquired by Verner and McKee. The five are controlled by Verner and McKee, it i claimed, and took part in the fraud and hold stock, which should be canceled without compensation. Besides the \$2,250,000 of bonds issued by Verner and McKee, it is alleged, they have received sums which aggregate \$1,575,000, and it is alleged that not more than \$900,000 of this was used for construction, and not more than \$150,000 for proper legal expenses, and that by connivance fully \$525,000 was misapplied to the use of Verner and McKee and those directy interested with them. It is also alleged that no financial statement which is customary for such corporations to put out annually has been issued.

Under three heads the relief prayed for is set forth: "I. A determination of the right of the complainants against the defendant company, involving an inquiry into the adjudieation of the rights and claims of the holders of stock and of the holders of the bonds alleged to have been illegally issued, Conservatism of the property and assets of the company, including its rights of action and franchise pending an inquiry into the relative rights of the persons concerned in the company. Discovery of the facts necessary to be known in order to grant complete, ad-

equate and specific relief." THE ARGUMENT. At 9 o'clock yesterday morning the counsel in support of the demurrer to the complaint opened the argument, W. H. H. Miller beginning the argument. The bill and its features were reviewed and discussed by Mr. Miller. He said that in Clay, Mason and Elder own less than firteen hundred shares of the 50,000 shares, and that the members of the board of directors, who are alleged to be the conspirators, own less than 3 per cent. of the stock of the company. Judge Baker stopped him by asking in what respect the plaintiffs are shown to have been victims. Mr. Minler replied by stating that it is alleged that the purpose was to enable McKee and Verner to use the stock and bonds in some way which would bring them sufficient money to pay for the stock they had purchased and by speculation on the stock

and that the plaintiffs invested at 45% cents on the dollar. Mr. Miller then continued and said that the relief that was principally asked for is that the so-named spurious stock shall be canceled and that the court shall make a thorough investigation of the transaction and find out how much stock is legitimately held and cancel all other stock illegally held by Verner and McKee and their confederates, as well as the bonds, and that damages shall be awarded to the complainants. He said it was certainly a novel proposition, as of the entire 50,000 shares of stock but 207 were represented in court, of which 200 shares were represented by the complainant and seven by the defendants, and yet the court was asked to annul the shares of Verner and McKee and their alleged confederates, and that, too, without their appearing in court at all. He said the complaint is multifarious, and aside from the complainants it is not shown that another stockholder in complaining. Attorney Miller stated that a case is radically detective that was not attended in court by the bondholders and stockholders concerned, and that it had been stated in the brief that the complainants had been induced through fraud to purchase the stock they could not sue for themselves and others

in a court of equity.

THE PLAINTIFFS' CONTENTION. The argument for the plaintiffs was opened by Lew Wallace, jr., who began by saying that he thought a dire necessity prevailed for the exact nature of the suit, He said it was a suit by a stockholder against his corporation in his own behalf, and that the other stockholders had sustained the same injury and were entitled to the same redress. He said the plaintiffs were not seeking restitution from Verner and McKee, but wanted to establish their rights in the corporation before bringing suit against Verner and McKee, and that the complainants had a right to ascertain how much bogus stock had been issued by the corporation. He further stated that he did not hold that all the shares of stock were invalid and would establish that 15,000 shares were valid. There followed several discussions regarding the bringing into court of other stockholders, and then Attorney Daniels referred to an opinion in 77 Illinois, 436, in which it was held that suit might be brought by a stockholder against a corporation and the stock of the third party might be canceled without the presence in court of the third party in question or even giving him a chance to be heard. Judge Baker then stated that he did not doubt the correctness of the decision in that case, and if the present case was on trial and the allegations set forth in the complaint found to be true, he would not hesitate to wipe out the stock not found valid, but that the question before the court now is, whether or not the right parties are in court, that the trial of the case might proceed.

Deeds of a Burglarious Trio Recalled. A suit was filed yesterday in the Superior Court which recalls the escapades of three noted crooks, Whit Starr, Colonel Weaver and Lawrence Corriden. During the summer of 1894 the rooms of Matthew Irie, in the Franklin block, on South Illinois street, were entered by burglars and robbed of several hundred dollars in money and some diamonds. The burglars crawled along a sill and entered the room when Irie was asleep.

Subsequently the police arrested Starr, Weaver and Corriden for the crime. Corriden effected a compromise by which he escaped punishment and turned state's evidence. Starr and Weaver were convicted and sent to the penitentiary. Starr escaped while being taken to Michigan City by jumping off the train. He was captured in Chicago and afterward served a year in the penitentiary for the robbery of Irie. Col. Weaver and Starr were arrested several months ago and convicted of grand larceny and Weaver is now serving a term at Michigan City. Starr escaped from the county jail by sawing through the bars. He is still at large.

When Corriden compromised with Irie two years ago he gave him three notes for \$62.50, each dated Nov. 15, 1894, and paytwelve, eighteen and twenty-four months after date. The notes were indorsed by Julia Sullivan and Frank C. Reaume. Irle now brings suit to collect the amount of the notes, with interest and attorney's fees. Corriden is now in the penitentiary on the old case. He did not secure an absolute release when he turned state's evidence, but was released under a suspended sentence. About the time that Starr and Weaver were arrested the last time he was again arrested for robbery and the court sentenced him to serve two years for the Irie robbery.

Suit Out of a Runaway Accident. Sept. 23 Charles D. Madison, his wife, Ora Belle Madison, and their daughter, Hoyte Madison, were driving into the city over the Crawfordsville free gravel road. At the Belt crossing their horse became frightened, threw the occupants out of the carriage and injured them. Yesterday Charles D. Madison filed a suit in the Superior Court against the Indianapolis Water Company and the Webb-Jamison Company for damages on account of the injuries he received. He asks for \$2,000 on account of his own injuries, \$1,000 because of the expense he was put to by reason of the injuries re- | charge of manslaughter. ceived by his child, and \$1,000 for the loss of the services of his wife on account of her injuries. A separate suit is filed by Madison for his minor child, in which \$1,000 | the Clifton House he and several commeris demanded from the same defendants. It is alleged that the horse scared at some imbers which the defendants had put in

Chickens Mentioned in the Slander. Jerome F. Young yesterday filed separate suits for slander against William Foltz and to be used for speculative purposes (it be- his son, Charles S. Foltz, asking \$5,000 in each case. The plaintiff and defendants are farmers, living near Valley Mills. About | provocation than that arising out of the | shops, while the colored woman herself fell Nov. 1 some chickens were stolen from the | very mild and apparently half friendly dis- | into the clutches of Detectives Richards, defendants, and the plaintiff alleges that pute between the two men, suddenly aimed Wilson and McGuff. ey circulated the report that he was the

Mr. Wiltsie's Recovery. Charles S. Wiltsie, prosecuting attorney, is so far recovered from the injuries received Saturday morning that he will Perry murder trial will be resumed. defense will probably have one or two witnesses to examine before the State begins the introduction of evidence in rebuttal.

Street-Car Victim's Suit. Ella Bolger has sued the Citizens' Streetrailroad Company for \$10,000 on account of personal injuries received Nov. 10, 1896. She attempted to alight from a car at Noble and Ohio streets, and was thrown to the ground. She alleges that the conductor gave the signal to start the car before she had alighted. A Widow's Slander Suit.

Mrs. Anna Sapp, a widow, began proceedngs yesterday against Patrick McGinley to recover damages for alleged slander. She charges that McGinley falsely accused her of living in adultery and of having submitted to a surgical operation. She asks udgment for \$5,000.

THE COURT RECORD. Superior Court. Room 1-John L. McMaster, Judge, Bessie Skinner, administratrix, vs. L., N., A. & C. Railway Company; damages. On trial by jury.

Room 2-Lawson M. Harvey, Judge. Frederick Rushkamp vs. Urban Dehner et al.; on account. Finding for plaintiff. \$32, and for \$118 and costs. Lizzie Fleece vs. James Fiske; damages. Jury returned verdict for \$125 in favor of Tuttle et al. vs. Sander & Recker; commission. On trial by jury.

Room 3-Vinson Carter, Judge. Allison C. Remy vs. Eli Lilly. Jury returned a verdict for defendant. Susan F. Davis vs. Sophina I. Finding and judgment for plaintiff against Sophina I. Harrison for \$1.136. Henry Peters vs. Charles N. Metcalf: damages. Judgment on verdict for \$8.58. The Railroad Men's Building and Savings Association vs. Ezra J. Brown; foreclosure, Dismissed and costs paid, Mattie E. Stewart vs. C., C., C. & St. L. Railway Company; damages. On trial by

Criminal Court. Frank McCray, Judge.

State vs. Bert Schooley; incorrigibility. Affidavit filed by William Schooley. Under advisement. The State vs. Albert Eden; petit larceny. Defendant released from the workhouse. The State vs. Joseph Skidmore: grand arceny. Defendant released on his personal bond in the sum of \$500. New Suits.

Mary A. Brundage vs. The First National Bank of Brazil, Ind.; to quiet title. Carrie M. Van Deinse vs. The First National Bank of Brazil, Ind.; to quiet title. Superior Court Room 2. Samuel Robbins vs. Celinda M. Tucker: to foreclose mechanic's lien. Superior Court, Room 2. Edward C. Willette vs. The Security



cock and Edward J. Richards; damages. Demand, \$150. Superior Court, Room 3. Fidelia M. Wilkinson vs. Thomas M. Offutt et al.; foreclosure. Demand, \$350. Superior Court, Room 1. Matthew Irie vs. Lawrence E. Corriden et al.; on notes. Demand, \$350. Superior Court, Room 2. Indiana Bond Company vs. John Bates et al.; foreclosure of street-improvement lien. Circuit Court. Jerome F. Young vs. William Foltz; slander. Demand, \$5.000. Circuit Court. Jerome F. Young vs. Charles S. Foltz; slander. Demand, \$5,000. Circuit Court. Anna Sapp vs. Patrick McGinley; slan-der. Demand, \$5,000. Circuit Court. Frank M. Millikan vs. H. T. Conde et al.; on note. Demand, \$2,000. Superior Court. Room 3. Levi P. Harlan, administrator, vs. William E. Boyd; replevin. Circuit Court. T. F. Fulkerson vs. Russell E. Neal on note. Demand, \$250. Superior Court,

Hoyte Madison vs. The Indianapolis Water Company et al.; damages. Demand \$1,000. Superior Court, Room 2. Blake-street Saving and Loan Association, No. 4, vs. Millard F. Connett and Mary P. Connett; foreclosure. Superior Charles D. Madison vs. The Indianapolis Water Company et al.; damages. Demand, \$4,000. Superior Court, Room 2.

O'CONNOR'S PREDICAMENT. The Man He Struck in Chicago Is

Really Dead. Darcy C. O'Connor, who was arrested for assault by Captain Quigley at the Grand Hotel on Tuesday evening on the strength Mr. O'Connor travels for an art publishing house of Boston. While in Chicago at

cial travelers met at the rooms of one of the number and indulged in convivial excesses until a late hour. When all had become somewhat affected by the liquor and the company was engaged in boisterous but friendly hilarity a dispute about a trivial street, was sent to the workhouse. During matter arose between O'Connor and Louis Herman, a man in the employ of the scientific department of the Appleton Publishing | and its contents. The contents are now Company. Herman, without any other a savage blow at O'Connor, striking him i the face and landing him in a heap on the floor. O'Connor rose to his feet only to receive another upon the side of the head which again staggered him, but did not carry him from his feet. Recovering himself, he aimed a swift, and it seems deadly blow at his opponent, striking him full upon the eye and eyebrow. Herman fell to the floor, and friends stepped in and, separating the two men, conducted Herman to his room and placed him in bed. No apparent signs of fatal results were manifested until Tuesday, when wounded man began sinking rapidly and in the evening succumbed to internal hem-

The Journal was the first to break the news of the fatal termination of the affair to Mr. O'Connor in his room at the police station. His first utterance was, "My God. poor Herman!" He was more affected by remorse than by fear of the consequences Although arrested in this city, O'Connor was in no sense a fugitive. His business brought him here, and even now, with the charge of murder to be filed against him when he reaches Chicago, he has announced his readiness to be returned without legal requisition.

CYCLE TRADE ASSOCIATION

It Will Be Reorganized for the Coming Season.

The Indianapolis Cycle Trade Association met yesterday afternoon at the store of H. T. Hearsey and matters were discussed relative to the reorganization of the association for the coming season. It was deemed advisable to solicit the co-opera-Judgment against defendant, Kate Dehner, | tion of every dealer in the city, regardless of capacity, and a committee composed of H. T. Hearsey, W. S. Barnes and Wm. M jr., was appointed to visit all the cycle dealers and explain to them the advantages of becoming a member of the association. The committee was instructed to proceed with the work immediately. Be ing no longer connected with the bicycle business, Secretary Geo. C. Hench tendered his resignation, which was accepted and Frank Staley, of the Indiana Bicycle Company, was elected to fill the vacancy Active steps will be taken to make the Cycle Trade Association become a very important factor in trade affairs during the coming season, and it will recognize the movements of the National Cycle Board of Trade in New York. The next meeting of the association will be held Dec. 16.

> A Cough, Cold or Sore Throat should not be neglected. Brown's Bronchial Troches are a simple remedy and give prompt relief. 25 cts

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A G. A. R. CONFERENCE

Department Commanders of Several States to Meet Here.

W. G. Cochran, speaker of the Illinois House of Representatives at the last session and department commander of the G. A. R. in Illinois, and C. A. Partridge, his adjutant general, are in the city to meet other Grand Army men for a conference, Department Commanded Caylor, of Indiana; Dr. Tucker, of Noblesville; John W. Senior, of Madison, and B. B. Campbell, of Anderson, were among the prominent G. A. R. men who met the visitors. It is expected that Department Commander Lybarger, of Ohio, and Department Comof a telegram from the chief of police of | mander Jones, of Wisconsin, will also be Chicago, is now confronted by the graver present at the conference. The departsecuring a uniform rate from railroads to State encampments. Heretofore the States have worked independently, but it is believed that better terms can be secured by

Scattered Among Pawn Shops. Some time ago May Wadsworth, the keeper of a resort on West Chesapeake her absence Maud Mitchell, a colored woman, undertook to care for the house scattered about among the various pawn-

Brightwood Insurance Rates.

It is reported that insurance companies have advanced rates in Brightwood on the ground that the water works has proved a failure as a protection against fire. Residents of the suburb claim that rates were not reduced when the water works plant was put in and that the town is at least as well protected now as before. They cannot see that there is any ground for an increase in the rate.

Rheumatism is a Foe which gives no quarter. It torments its victims day and Hood's Sarsaparilla purifies the blood and cures the aches and pains of Hood's Pills are the best family cathartic and liver medicine. Gentle, reliable, sure,



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The great chemist Baron Justus VON LIEBIG made the first scientific effort to produce an extract of meat. The result of his efforts he gave to the world under the name of Liebig COMPANY'S Extract of Beef, and to attest its genuineness he authorized this company to use his signature, now familiar to all the world, on the jars of this famous product. All other extracts of beef came later and are practically imitations of the great original, which is still

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